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To: JEFFIE KOPCZYNSKI MORRISON & FOERSTER LLP 755 PAGE MILL ROAD PALO ALTO, CA 94304-1018			PCT	Morrison & Foerster, I Palo Alto
			ITTEN OPINION OF	
		-	(PCT Rule 43bis.1)	
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		Date of mailing (day/month/year)	1 9 MAR	2010
Applicant's or agent's file reference		FOR FURTHER A		
578492004740 International application No.	International filing date		See paragraph 2 below Priority date (day/monto	h(sear)
PCT/US2010/021437	19 January 2010	цицинопинусиј	20 January 2009	nyean)
International Patent Classification (IPC)	r both national classifics	ation and IPC		
IPC(8) - A61M 31/00 (2010.01) USPC - 604/508				
Applicant GUIDED DELIVERY SYS	STEMS INC.			
This opinion contains indications rel	ating to the following ite	ms:		
Box No. I Basis of the op	inion			
Box No. 11 Priority				
Box No. III Non-establish	nent of opinion with rega	ard to novelty, inventiv	e step and industrial app	licability
Box No. IV Lack of unity of	f invention			
Box No. V Reasoned state citations and c	ment under Rule 43 <i>bis</i> . I explanations supporting s	(a)(i) with regard to nov uch statement	elty, inventive step or in-	iustrial applicability;
Box No. V1 Certain docum	ents cited			
Box No. VII Certain defects	in the international appl	ication		
Box No. VIII Certain observ	ations on the internation	al application		
2. FURTHER ACTION If a demand for international prelin International Preliminary Examining other than this one to be the IPEA a opinions of this International Search If this opinion, is, as provided above, a written reply together, where appre PCTISA/220 to leftor the expiratio For further options, see Form PCTIS	Authority ("IPEA") exceed the chosen IPEA has ing Authority will not be considered to be a writte priate, with amendments in of 22 months from the	ept that this does not ap notified the Internation so considered. n opinion of the IPEA, , before the expiration	ply where the applicant all Bureau under Rule 6 the applicant is invited to f 3 months from the date.	chooses an Authority 6.1 bis(b) that written
3. For further details, see notes to Form	PCT/ISA/220.			
Name and mailing address of the ISA/US	Date of completion of	this opinion	Authorized officer:	
Mail Stop PCT, Attn: ISAUS Commissioner for Patents P.O. Box 1450, Alexandria, Virginia 22313-1450	02 March 2010		PCT Helpdesk: 571-272-4300	openheaver
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nternational	application No.	
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Box	No. I	Basis of this opinion
1.	With r	egard to the language, this opinion has been established on the basis of: the international application in the language in which it was filed. a translation of the international application into which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).
2.		This opinion has been established taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))
3.	establi	egard to any nucleotide and/or amino acid sequence disclosed in the international application, this opinion has been shed on the basis of a sequence listing filed or furnished:
	a. (m	cans) on paper in electronic form
	b. (tir	ne) in the international application as filed together with the international application in electronic form
		subsequently to this Authority for the purposes of search
4.		In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
5.	Additi	onal comments:
		,

International application No.

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; Box No. V citations and explanations supporting such statement 1 Statement 1-45 YES Novelty (N) Claims Claims NO None None YES Inventive step (IS) Claims Claims 1.45 1-45 VES Industrial applicability (IA) Claims None NO Claims

2. Citations and explanations:

Claims 1-3 and 7-10 lack an inventive step under PCT Article 33(3) as being obvious over US 2008/0172035 A1 to Starksen et al. (henceforth Starksen'035) modified by Otten.

Regarder Claim 1. Staff-care OSL discloses a method comprising: activating a first catheter through a lumen of a second catheter (advance for cathety catheter (but put have not name catheter (30, Fig. 34), and advancing a protino of the first catheter through an opening in a will portion or at a distal end of the second catheter (71), and advancing a position of before the catheter through an opening in a will portion or at a distal end of the second catheter (11), and advanced and position of the second catheter is advanced through the opening. Part (1010); but fails to explicitly leach of advancement until the wall portion of the second catheter is advanced through the opening. Part for tacheter and stop element of the first catheter and rest in the wall portion of the second catheter the treatment and a stop element of the first catheter and explicitly and the second catheter through the catheter and as one catheter is positioned between a wall portion of the first catheter and as one perment (40) of the first catheter and as one catheter (40) of the first catheter, and the catheter and as one perment (40) of the first catheter and as one catheter (40) of the first catheter and as one catheter (40) of the first catheter and as one catheter (40) of the first catheter and as one catheter (40) of the first catheter and as one catheter (40) of the first catheter and as one catheter (40) of the first catheter and as one catheter (40) of the first catheter and as one catheter (40) of the first catheter and as one catheter (40) of the first catheter and as one catheter (40) of the first catheter and as one catheter (40) of the first catheter and as one catheter (40) of the first catheter and as one catheter (40) of the first catheter and as one catheter (40) of the first catheter and as one catheter (40) of the first catheter and as one catheter (40) of the first catheter and as one catheter (40) of the first catheter and as one catheter (40) of the first catheter and as one catheter (40) of the first catheter and

Regarding Claim 2, Starksen 035 modified by Otten discloses the method of Claim 1. Starksen 035 falls to explicitly seach wherein the stop element of the first claether remains within the lumen of the second catheter while the portion of the first claether remains within the lumen of the excend catheter. Often, however, isaches wherein a stop element (40) of a first catheter remains within the lumen of the excend catheter. Often, however, isaches wherein a stop element (40) of a first catheter is eastwoerd through the opening in the wall portion or at the distal end of a second catheter (with stylet 22 only partially inserted as in FRISS. 1 and 4, blobes 28 are in the extended position. In this position the distal end of 30 inters tubular member 04 buts against a capture member 04, osting as a long of the second catheter (with a position of the position of the second catheter (with a position of the second of the second catheter). The second catheter is the second catheter of the second catheter

Regarding Claim 3, Starksen/355 modified by Otten discloses the method of Claim 1. Starksen/355 further teaches wherein advancing the portion of the first catheter through the opening in the wall portion or at the ideal and of the second actabler comprelies puthing the portion of the first carrierer frough the opening with a pushing member (after dailvery catheter 424, bas been advanced of through purples of the disclosurery catheter 424, bas described through the catheter 410, beginning eather 424, bas described produced through turnery catheter 424, beginning eather 424, bas described produced through turnery catheter 424, beginning eather 424, bas described produced through turnery catheter 424, bas described by the 424, bas described by through turnery catheter 424, bas described by through turnery catheter 424,

Regarding Calain 7, Starksen/355 modified by Otten discloses the method of Claim 1. Starksen/355 further teaches wherein the method comprises adverning the period of the first catherle through the opening in the well portion or at the distal end of the second catherle risk, of the period of the second catherle risk delivery catherler through the unen of the second risk delivery catherler through the unen of the second catherler (advance first delivery catherler through tumne of tunnel catherler 350, Fig. 34), but fails to explicitly seach of advancing until a well portion of the second catherler in the well portion and sole personnt of the first catherler. Other, however, teaches of advancing until a valid portion of the second catherler is wedged between the well portion and stop element (40) of the first catherler (finer hubdur member 36) moves adown with 22 until 48 shades with 46 of 40, Fig. 14, 14 would have been onlyouts to one of ordinary skill in the aft at the time of the invention to use the internal stop mechanism of Otten with the disclosure of Starksen/035 to did in the placement and circiting of authors during militar valve require.

Regarding Claim 8. Starkser/QSS modified by Other discloses the method of Claim 1. Starkser/QSS further teaches wherein the method turther comprises deploying an antent form the first catherer after the first catherer lear them 6 the cather has been advanced through the opening in the wall portion or at the distal end of the second catherer (after ceitiver, or better 42% has been advanced through the opening 4 the distal proton 41% of them 6 them

Regarding Claim 9, Starksen'035 modified by Otten discloses the method of Claim B. Starksen'035 further teaches wherein the method further comprises retrieving the anchor after it has been deployed (anchor retrieval via retrieval suture, Para. [0074]).

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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Regarding Claim 10, Starksen'035 modified by Otten discloses the method of Claim 8. Starksen'035 further teaches wherein the method further comprises withdrawing the portion of the first catheter teach into the lumen of the second catheter after the anchor has been deployed from the first catheter (withdrawing delivery catheter, CL 25).

Claims 4-6 lack an inventive step under PCT Article 33(3) as being obvious over US 2008/0172035 A1 to Starksen et al. (henceforth Starksen 035) modified by Otten and Starksen 380 et al. (henceforth Starksen 380).

Regarding Claim 4, StarsenY35 modified by Olben discloses the method of Claim 1, but fails to explicitly teach wherein the stop element comprises an elongated flare Startisen 390, however, teaches wherein a stop element comprises an elongated flare [2816, Fig. 29), it would have been obvious to one of ordinary still in the art at the time of the invention to use the olongated flare of Starksen'380 with the disclosure of Starksen'380 in the placement end cinching of another during mittal valve repair.

Regarding Cleim 5, Starksen'035 modified by Otten and Starksen'300 discloses the method of Claim 4, but fails to explicitly leach wherein the storgated flap solvinds through en opening in the well portion of the first catheter. It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the elengated flap of Starksen'330 to produce shough the opening of Starksen'330 in Claim 1 above, to provide an adjustable stop element, since rearranging parts of an invention only involves routine skill in the art.

Regarding Claim 6, Starksand SS modified by Ollen and Starksen 390 discloses the method of Claim 4, but falls to explicitly intenwherein the integrated fles curses away from the walt portion of the flat catelater as the walt portion of the second catherine positioned between the walt protrion and stop element of the first catheries Starksand 390, however, beaches wherein an elongate the positioned between the walt protrion and stop element of the first catheries Starksand 390, however, beaches wherein an elongate of the contribution of the starks and the starksand 390 of the starksand 390

Cialms 11-18 lack an inventive step under PCT Article 33(3) as being obvious over Otten modified by US 2008/0177380 A1 to Starksen et al. (henceforth Starksen'380) and US 2008/0172035 A1 to Starksen et al. (henceforth Starksen'035).

Regarding Calim 11, Otton discloses a cathetier comorfasing, a bublar elengated member defining a proximal portion, a distal portion, and suren beneformuly (2, Fg. 1), and a listed spelement, wherein a first protion of the first step element is disposed within the lumen of the tubular elengated member (inner surface of 25, Figs. 244), but talls to explicitly leach of a list step element comprising an elengated respective of the first step element comprising an elengated large of the step element element

Regerding Claim 12, Otten modified by Starksen'380 and Starksen'335 discloses the catheter of Claim 11. Otten falls to explicitly teach wherein the catheter further comprises an anchor disposed within the burner of the tubular elongated member. Starksen'380, however, teaches of an anchor disposed within the burner of the burlen's member (archor 2314 is delivered via outer sheath 2305, Figs. 2SABB and Para. (D000)). It would have been choices to one of ordinary skill in the art the time of the invention to use the anchor objective proprior of Starksen'380 with the disclosure of Otten to ald in the placement and clinicity of anchors during mittle valve regal.

Regarding Claim 13, Oten modified by Stariser/390 and Starksom/35 discloses the catherer of Claim 12. Otten falls to explicitly leach where his catherer further comprises a coupling member coupled to the anchor, Starksom/30, Newver, teaches wherein the catherer further comprises a coupling member coupled to the anchor (2008 coupled to 2002, Fig. 359), it would have been obvious to or not further comprises a coupling member coupled to the anchor (2008 coupled to 2002, Fig. 359), it would have been obvious to or not expended to the coupled to a coupled to 2002, Fig. 359, it would have been obvious to or not expended to the coupled to 2002, Fig. 359, it would have been obtained to a comprise or Orient to all references and the coupled to 2002, Fig. 359, it would have been obtained to a comprise or Orient to all references and the coupled to 2002, Fig. 359, it would have been obtained to a comprise or Orient to all references and the coupled to 2002, Fig. 359, it would have been obtained to 2002, Fig.

Regarding Claim 14, Otten modified by Starkers/300 and Starkers/105 discloses the catheter of Claim 11. Otten further feaches wherein the catheter further comprises a second stop element disposed within the burner of the tubuler schargastd employed (with skylet 22 only partially) inserted as in FIGS. 1 and 4, lobes 26 as in the scharded position, in this position the distance and 30 of inner subular member 50 buts against a caption employer. A charge sa a stop, Fig. 4. Couption remoder 30 is positioned ever the distance of or the scharter and set.

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Continuation of:

Regarding Claim 15, Otten modified by Starksen'380 and Starksen'035 discloses the catheter of Claim 14. Otten further teaches wherein the second stop element comprises a tubular member (capture member 40, acting as a stop, Fig. 4).

Regarding Claim 16, Otten modified by Starksen'380 and Starksen'035 discloses the catheter of Claim 14. Otten further teaches wherein the second stop element is coupled to or integral with the tirst stop element (26 is coupled to 40 via inner tubular member 34, Fig. 4).

Regarding Claim 17, Otten modified by Starksen'380 and Starksen'035 discloses the catheter of Claim 14. Otten further teaches wherein the second stop element (40) is separate from the first stop element (26, Fig. 4).

Regarding Claim 18, Clien modified by Startsem390 and Startscom305 discloses the catheter of Claim 14. Other harther teaches wherein the catheter further comprises a pushing member (22) including a distal protinc comprising a first region having a tirst cross-sectional diameter (46) and a second region having a second cross-sectional diameter that is smaller than the first cross-sectional diameter (shall comprise that is smaller than the first cross-sectional diameter that is smaller than the first cross-sectional diameter (shall comprise that is smaller than the first cross-sectional diameter than the first cross-sectional diamet

Claims 19-23 lack an inventive step under PCT Article 33(3) as being obvious over Otten modified by US 2008/0177380 A1 to Starksen et al. (henceforth Starksen'380), US 2008/0172035 A1 to Starksen et al. (henceforth Starksen'035) and To et al. (henceforth To).

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Regarding Claim 20, Otten modified by Startsen'380, Startsen'085 and To discloses the catheter of Claim 18 but fails to explicitly teach wherein the first and second planes have an angle of about 10 degrees the about 90 degrees thereforeheren. It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the earlier between that can describe the about 10 degrees to about 90 degrees therebelvees to about 90 degrees therebelvees to about 90 degrees therebelvees to about 90 degrees the about 90 to more easily continue to the graph of the allow-extribute valve, since where the general conditions of the dain are decisioned in the prior at, discovering the ordinarm or vortically arrays, after the where the general conditions of the dain are decisioned in the prior at, discovering the ordinarm or vortically arrays involved only routine skill in the

Regarding Claim 21, Otten modified by Starksen 200, Starksen 203 and To discloses the cathleter of Claim 20, but fails to explicitly teach where the fail fail and second perse have an engle of about 20 degrees to about 80 degrees therebetwone. It would have been obvious to one of ordinery skill in the art at the time the niversion was made to allow the angle between first and second planes to be about 20 degrees to about 80 degrees therebetweener, to more easily continue to the opcoment of the active controllative law, since where the general conditions of the claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art.

Regarding Claim 22, Otten modified by Statesen1300, Statesen1036 and To discloses the catheter of Claim 21, but fail is explicitly test wherein the first and second planes have an angle of about 50 degrees to about 70 degrees themsherhoren. It would have been obvious to one of ordinary skill in the art at the time the "revention was made to allow the english between first and second planes to be about 50 degrees to about 70 degrees themsherhoren. It works from the cash of companies of the about 50 degrees to about 70 degrees themsherhoren for more seatly common growing of the about second or the claim are disclosed in the pitor art, discovering the optimum or workable ranges involves only rousine skill in the

Regarding Claim 29, Otten modified by Starksen 389, Starksen 035 and To discloses the catheter of Claim 22, but faile to explicitly teach wherein the lists and second planes have an angle of about 06 degrees. It would have been obvious to one of ordinary start the time the livenition was made to allow the angle between first and second planes to be about 06 degrees, to more easily conform to the goometry of the atrio-ventricular valve, since discovering the optimum value of a result effective variable invoives only routine skill in the art.

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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Claims 24-26 tack an inventive step under PCT Article 33(3) as being obvious over US 2008/0177380 A1 to Starksen et al. (hence/orth Starksen/380) modified by Otten.

Regarding Claim 24, Starksen'380 discloses a method for deploying an anchor into tissue of a subject comprising: advancing a distal portion of a pushing member (pusher referred to in Para. [0049]) disposed within a lumen of a first catheter (Figs. 4-5); an anchor (hooks 2314. Fig. 23B); and advancing the distal portion of the cushing member against the anchor to deploy the anchor from the lumen of the first catheter (Para. [0049]) and into tissue of a subject (Figs. 23A&B); but fails to explicitly teach of advancing the distal portion of a pushing member into a tubular stop element; wherein the tubular stop element is coupled to an anchor; and wherein the distal portion of the pushing member and the tubular stop element are configured to limit turther distal advancement of the pushing member once the dista portion of the pushing member has been advanced into the tubular stop element. Otten, however, teaches of advancing the distal portion of a pushing member (22/48) into a tubular stop element (40, Fig. 4); and wherein the distal portion of the pushing member and the tubular stop element are configured to limit further distal advancement of the pushing member once the distal portion of the pushing member has been advanced into the tubular stop element (with stylet 22 only partially insorted as in FIGS. 1 and 4, lobes 26 are in the extended position, in this position the distal end 38 of inner tubular member 34 butts against a capture member 40, acting as a stop, Fig. 4. Capture member 40 is positioned near the distal end of the catheter and is secured to the inner surface of outer tubular member 32, Fig. 5 and Col. 19-25). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow an anchor to be coupled to a tubular stop element, to enable simultaneous delivery to a specific location within the body via a catheter, since the use of a one piece construction instead of the structure disclosed in Otten would have required only routine skill in the art. It would have been obvious to one of ordinary skill in the art at the time of the invention to use the internal stop mechanism of Otten with the disclosure of Starksen'380 to aid in the placement and cinching of anchors during mitral valve repair.

Regarding Claim 25, Starksen'380 modified by Otten discloses the method of Claim 24. Starksen'380 further teaches wherein the method further comprises using the pushing member (2302/2304) to decouple the anchor (2312/2314) from the tubular stop element (as evident in Files. 28/348).

Repositing Claim 28, Starksen/380 modified by Otten discloses the method of Claim 24, Starksen/380 fails to exclicitly leach wherein the distal portion of the pushing member comprises a fair tenigen having a fail cross-sectional dismerter and a second recipen having a fail cross-sectional dismerter that is smaller than the first cross-sectional dismerter and a second region having a second cross-sectional dismerter than the smaller than the first cross-sectional dismerter and a second region having a fail cross-sectional dismerter (48) and a second region having a fail cross-sectional dismerter (48) and a second region having a fail cross-sectional dismerter (48) and a second region having a second cross-sectional dismerter (48) and a second region having as second cross-sectional dismerter (48) and a second region having as second cross-sectional dismerter (48) and a second region having as second region of the second region of the second region having a second region havi

Claims 27-30 lack an inventive step under PCT Article 33(3) as being obvious over US 2008/0177380 A1 to Starksen et al. (henceforth Starksen/380) modified by Otten and US 2008/0172035 A1 to Starksen et al. (henceforth Starksen/035).

Regarding Caim 27, Starsen/300 modified by Olana discloses the method of Caim 24, Starsen/300 falls to explicitly feach wherein the method three comprises advancing the site cathest through an opening in a wait portion or at a distallent of a second cathetic. Starsen/305, however, teaches of advancing a first catheter through an opening in a wait portion (The surned catheties may have an opening positioned along its size wait.) or otherwise positioned proximally of its desirable tap, and no now rearrantors, he first delivery catheties is advanced through the one-princip, Para. (DO10) or at a datal end of a second catheter (after delivery cathetier 424 has been advanced through the one-princip, Para. (DO10)) and the princip of the catheter 424 and through through catheter 424 to, advanced through the princip of the catheter 424 and served or through princip catheter 424 and served or the served or through princip catheter 424 and served or through princip catheter 434 and served or through through through the served or through the served or through through the served or through through through through the served or through through through the served or through through through through through through the served or through thro

Regarding Cialm 28, Starksen'380 modified by Otten and Starksen'035 discloses the method of Cialm 27. Starksen'380 fails to explicitly teach wherein the bublar stop element is coupled to or integral with a second stop element. Otten, however, leaches wherein a tubular stop element (26, jps. 244) is coupled to or integral with a second stop element (26, jps. 244) is coupled to or integral with a second stop element (26, jps. 244) is coupled member 34, Fig. 4). It would have been obvious to one of ordinary still in the art at the time of the invention to use the dual stop element approach of Otten with the disclosure of Starksen'380 to did in the placement and crinching of actions during mitral valve regular.

Regarding Claim 23, Bankern/380 modified by Claim and Starksen/380 discloses the method of Claim 28. Starksen/380 falls to explicitly teach wherein the advancement of the first catheset frough the opening in the wall portion or at a disal end of the second catheler stock when the wall portion of the second catheler becomes positioned between the second stop element and a wall portion of the first catheler. Until however, teaches wherein advancement of a first determent through a socion delement stopy when the wall portion of the Second selement through a social element stopy when the wall portion of the second selement becomes positioned between the second stop element (40) and a wall portion of the first element (inent tubular member 38 moves along with 22 unit fild resides within 40 of a (Fig. 4). In addition, Starksen/305 seches of advancation of a list scathered through the lumen of a second catheler (advance first delivery catheler through the many laws an opening positioned storing is society and the second starksen of the second stark

Regarding Claim 30, Starksen'380 modified by Otten and Starksen'035 discloses the method of Claim 28. Starksen'380 further teaches wherein the second stop element comprises an elongated tlap extending from the tubular stop element (2816, Fig. 28).

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Supplemental Box

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Claims 31-36 and 38 lack an inventive step under PCT Article 33(3) as being obvious over Otten modified by US 2008/0177380 A1 to Starksen et al. (henceforth Starksen'380).

Regarding Claim 31, Otten discloses an anchor deployment device comprising: a catheter defining a tumen for housing an ancho therein (2, Fig. 1); a pushing member at least partially disposed within the lumon (22/48, Fig. 4); and a tubular stop element disposed within the lumen (the distal end 36 of inner tubular member 34 butts against a capture member 40, acting as a stop, Fig. 4), wherein the pushing member and the tubular stop element are configured such that when the pushing member is advanced into the tubular stop element, the tubular stop element limits further distal advancement of the pushing member (with stylet 22 only partially inserted as in FIGS 1 and 4, lobes 26 are in the extended position. In this position the distal end 38 of inner tubular member 34 butts against a capture membe 40, acting as a stop, Fig. 4. Capture member 40 is positioned near the distal end of the catheter and is secured to the inner surface of outer tubular member 32, Fig. 5 and Col. 19-25); but talls to explicitly teach of a catheter defining a lumen for housing an anchor therein. Starksen 380, however, teaches of an anchor disposed within the lumen of the tubular elongated member (anchor 2314 is delivered via outer sheath 2306, Figs. 23A&B and Para. [0050]). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the anchor delivery approach of Starksen'380 with the disclosure of Otten to aid in the placement and cinching of anchors during mitral valve repair

Regarding Claim 32, Otten modified by Starksen'380 discloses the anchor deployment device of Claim 31. Otten fails to explicitly teach wherein the device further comprises an anchor disposed within the lumen of the catheter. Starksen'380, however, teaches of an anchor disposed within the lumen of the tubular elongated member (anchor 2314 is delivered via outer sheath 2306, Figs. 23A&B and Para. [0050]). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the anchor delivery approach of Starksen'380 with the disclosure of Otten to aid in the placement and cinching of anchors during mitral valve repair.

Regarding Claim 33, Otten modified by Starksen'380 discloses the anchor deployment device of Claim 32, but fails to explicitly teach wherein the anchor is coupled to the tubular stop element. It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow an anchor to be coupled to a tubular stop element, to enable simultaneous delivery to a specific location within the body via a catheter, since the use of a one piece construction instead of the structure disclosed in [the prior art] would have required only routine skill in the art.

Regarding Claim 34, Otten modified by Starksen'380 discloses the device of Claim 31. Otten further teaches wherein the pushing member (22) comprises a distal portion comprising a first region having a first cross-sectional diameter (48) and a second region having a second cross-sectional diameter that is smaller than the first cross-sectional diameter (shaft of 22, Fig. 4).

Regarding Claim 35, Otten modified by Starksen'380 discloses the anchor deployment device of Claim 34, but falls to explicitly teach wherein the distal portion of the pushing member is tapered. It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the distal portion of a pushing member to be tapered rather than round as per Otten in Fig. 4, to increase the compactness of a device, since a change in shape of an element involves only routine skill in the art.

Regarding Claim 36, Otten modified by Starksen'380 discloses the device of Claim 31. Otten further teaches wherein the device further comprises a second stop element (26, Figs. 2&4) that is coupled to or integral with the tubular stop element (26 is coupled to 40 via inner tubular member 34, Flg. 4).

Regarding Claim 38, Otten modified by Starksen'380 discloses the anchor deployment device of Claim 36. Otten fails to explicitly teach wherein the second stop element is in the form of an elongated flap extending from the tubular stop element. Starksen'380, however, teaches wherein a stop element comprises an elongated flap (2816, Fig. 28). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the elongated flap of Starksen'380 with the disclosure of Otten to aid in the placement and cinching of anchors during mitral valve repair.

Claim 37 lacks an inventive step under PCT Article 33(3) as being obvious over Otten modified by US 2008/0177380 A1 to Starksen et al. (henceforth Starksen'380) and US 2008/0172035 A1 to Starksen et al. (henceforth Starksen'035).

Regarding Claim 37, Otten modified by Starksen'380 discloses the anchor deployment device of Claim 36, but fails to explicitly teach wherein the second stop element extends through an opening in a wall portion of the catheter. Starksen'035, however, teaches of an opening in a wall portion of a catheter (The tunnel catheter may have an opening positioned along its side wall, or otherwise positioned proximally of its-distal tip, and in some variations, the first delivery catheter is advanced through the opening, Para. [0010]). It would have been obvious to one of ordinary skill in the art at the time the Invention was made to allow the slop member of Otten to protrude through the opening of Starksen'035, to provide an adjustable stop element, since rearranging parts of an invention only involves routine skill in the art. It would have been obvious to one of ordinary skill in the art at the time of the invention to use the sidewall opening of Starksen'035 with the disclosure of Otten to aid in the placement and cinching of anchors during mitral valve repair.

Claims 39-45 lack an inventive step under PCT Article 33(3) as being obvious over Otten modified by US 2008/0177380 A1 to Starksen et al. (henceforth Starkson'380) and To et al. (henceforth To).

Regarding Claim 39, Otten modified by Starksen'390 discloses the device of Claim 31, but talls to explicitly teach wherein the catheter comprises an elongated member comprising a first region defining a first plane, a second region defining a second pains, and a care between the first and second regions. To, flowward, seaches wherein a bubble elongated member comprises a filst region defining a first plane (flox, Fig.), a second region defining a second plane (distall end of shall flox at 10 pl. Fig.)), and a new business filst and second regions (114). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the curved anchor delivery shalt of To with the disclosure of Otten to aid in the placement and cinching of anchors during mitral valve repair.

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Regarding Caim 40, Otten modified by Starksen'380 and To discloses the device of Caim 39, but talls to explicitly teach wherein the first and second planes we a margle of about 10 degrees to about 90 degrees therebetween. It would have been obvious to one of orderay skill in the at at the time the invention was made to allow the angle obtween first and second planes to be about 10 degrees to about 90 degrees therebetween, to more easily content to the geometry of the ation-venticular value, since where the general conditions of the claim are desicosed in the prior art, discovering the optimum or workable ranges involves only order skill in the general conditions of the claim are desicosed in the prior art, discovering the optimum or workable ranges involves only order skill in the

Regarding Claim 41, Otten modified by Starksen'380 and To discloses the device of Claim 40, but fails to explicitly teach wherein the first and second planes have an angile of about 20 degrees to about 30 degrees the about 30 degrees to about 80 degrees to about 80 degrees to about 80 degrees to about 80 degrees the architecture (about 80 degrees (about 80 degrees (about 80 degrees (about 80 degrees)) (about 80 degrees)) (about 80 degrees) (ab

Regarding Claim 42, Otten modified by Starksen'380 and To discloses the device of Claim 41, but fails to explicitly teach wherein the first and second planes have an angle of about 70 disgress the releasement. It would have been orbitious to one of ordinary skill in the art at the time the invention was made to allow the angle between fat and second planes to be about 70 degrees therebetween, to more easily conform to the geometry of the aftire-venticular valve, since where the general conditions of the claim are disclosed in the prior at discovering the optimum or workable ranges involves only routine skill in the art.

Regarding Calim 43, Otten modified by Starksen'380 and To discloses the device of Calim 42, but falls to explicitly teach wherein the first and second planes have an angle of about 05 degrees. It would have been oxious to one of ordinary skill in the ant at the time the invention was made to allow the angle between first and second planes to be about 00 degrees, to more easily conform to the geometry of the active vertice binary railway since discovering the optimum value of a result reflective variable involves only outsite as Mill in the art.

Regarding Claim 44, Otten modified by Startsers/30 and To discloses the device of Claim 41, but fails to explicitly teach wherein free and second james have an angle of about 40 degrees to about 50 degrees therebetween. It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the angle between that and second planes to be about 40 degrees to allow the angle between that and second planes to be about 40 degrees to deal or the angle between that and second planes to be about 40 degrees to deal or the second to the plane and the second that are the second to the plane and the second that the plane and the second the second that are the second that the second that

Regarding Claim 45, Oten modified by Starksen'330 and To discloses the device of Claim 44, but falls to explicitly teach wherein the first and second planes have an engle of about 50 dispress. It would have been ordivate so the of ordinary skill not extra 4 the time the invention was made to allow the angle between first and second planes to be about 50 dispress, to more easily conform to the geometry of the active-write-time valves, since discovering the optimary value of a result effective variable howbees only outside skill in the art.

Claims 1-45 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.